The 16th April 1895.

The following Draft Regulation which is under the consideration of the Government of Mysore is published for general information.

By order,
V. N. NARASIMMIYENGAR, *General Secretary.*

REGULATION No. OF 189

A Regulation to Regulate and Restrict the Sale of Poisons in the Territories of Mysore.

Preamble.

Whereas it is expedient to enact one general law relating to the sale of poisonous drugs and deleterious substances in the Territories of Mysore, and to regulate and restrict the sale of such drugs and substances; the Government of Mysore is pleased to enact as follows :—

Interpretation.

1. The following words and expressions in this Regulation shall have the meanings hereby assigned to them,—that is to say—

"Month."

The word "Month" shall mean calendar month according to the British calendar.

"Poison."

The word "Poison" denotes the poisonous drugs and deleterious substances specified in Schedule A to this Regulation annexed.

"Offender."

The word "Offender" shall include an incorporated association of persons.

"Magistrate."

The word "Magistrate" denotes a person invested with the powers of a Magistrate under the Code of Criminal Procedure as introduced into Mysore by Regulation I of 1886, and amended by Regulation I of 1888.

"Person."

The word "Person" shall, unless there be something in the subject or context repugnant to such construction, include any association or body of persons whether incorporated or not.

Sellers of poisons to be licensed.

2. From and after the date on which this Regulation comes into operation, no person shall sell any of the poisons specified in the Schedule A annexed to this Regulation without holding a license of one or other class as hereinafter provided.

Licenses to be granted by the Deputy Commissioner.

3. Every license under this Regulation shall be granted by the Deputy Commissioner or by some person authorised by him on that behalf, and every such license may be in the form contained in the Schedule B annexed to this Regulation, but no license shall authorize a sale except at some place within the limits of the jurisdiction of the officer empowered to grant and granting the same.

Licenses to be of two classes.
License fees.

4. Licenses shall be of two classes, that is to say, an ordinary license for which a fee of five rupees shall be paid, and a special license for which a fee of fifty rupees shall be paid: Provided that a person applying for a license under this Regulation shall not have the option of taking out a special license in lieu of an ordinary license, but it shall be discretionary with the Deputy Commissioner to determine whether he will grant a special license to the party applying for the same.

Licenses to be granted annually.

5. Every license shall have effect and continue in force from the date of the grant thereof until the thirtieth day of June next ensuing, but any person to whom such license shall be granted after the first day of January of any year shall pay only one-half of the fee payable for the same, having regard to the class to which it belongs.

Renewal of ordinary license.

6. Every person to whom an ordinary license shall have been granted and who shall be desirous of continuing to sell any of the poisons specified in Schedule A after the expiration of the said license shall, before its expiration, take out a fresh license for that purpose for the following year, and shall in like manner renew the same from year to year, so long as he shall desire to continue to sell such poisons, and upon each renewal of the license shall pay to the officer granting the same a further fee of five rupees.

7. The Deputy Commissioner may in his discretion grant a fresh special license to any person to whom a special license shall have been granted under this Regulation and who shall be desirous of continuing to sell any of the poisons specified in Schedule A after the expiration of such license, and may also renew the special license from year to year so long the provisions of this Regulation in regard to the grant and renewal of licenses shall be paid from the proceeds of the fees, fines, and penalties levied under this Regulation, and the portion of such proceeds remaining after the payment of said expenses shall, as to the Deputy Commissioner may seem fit, be paid to the credit of the Municipal or Local Fund of the District as the applicant shall desire to continue to sell such poisons, and as often as the Deputy Commissioner shall in his discretion think fit to renew the same, provided that the application for the grant of a fresh special license or for a renewal of the same be made before the expiration of the current license, and that upon each fresh grant and renewal the applicant shall pay to the officer granting the same a further fee of fifty rupees.

Renewal of special license.

8. Where the person taking out a license under this Regulation shall be the member of a firm or of an incorporated company, it shall not be necessary that any other member of the firm or company shall take out a license to authorize a sale by such firm or company of the poisons specified in Schedule A within the local limits of the jurisdiction of the officer granting such license.

License for a firm sufficient if taken out by one member of firm.

9. The expenses incurred in carrying out the Municipal Fund of the Civil and Military Station, for which the licenses issue and the fines and penalties are levied; and the portions so paid shall be available to meet the general expenses chargeable to the said Municipal or Local Fund.

Appropriation of license fees and fines.

10. If any person who is by this Regulation required to take out a license or renew the same shall sell any of the poisons specified in Schedule A without having duly taken out a license or renewed the same in accordance with the provisions of this Regulation, he shall be liable, on conviction before a Magistrate, to be punished for a first offence with fine, which may extend to two hundred rupees, and for a second or subsequent offence with fine, which may extend to five hundred rupees or with simple imprisonment for a term which may extend to one year, or with both.

Penalty for selling poisons without a license.

11. Any person required by this Regulation to take out a license who shall, without reasonable excuse, neglect or refuse to produce and show his license when required to do so by an officer duly empowered in writing by the Deputy Commissioner to make such requisition, shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred rupees.

Penalty for refusing to produce license when required to do so.

12. Every person who shall sell any of the poisons specified in Schedule A shall forthwith, and before the delivery of such poison to the purchaser, enter or cause to be entered, in a fair and regular manner, in a book to be kept by such person for that purpose, in the form set forth in the Schedule C annexed to this Regulation, or to the like effect, a statement of such sale with the name of the poison and quantity thereof so sold, and the purpose for which such poison is required, or stated to be required, and the day of the month and year of the sale and the name, place of abode, and condition or occupation of the purchaser, into all which circumstances the person selling such poison is hereby required and authorized to enquire of the purchaser, before the delivery to such purchaser of the poison sold; and such entries shall in every case be signed by the person making the same, and shall also be signed by the purchaser, unless such purchaser profess to be unable to write, (in which case the person making the entries hereby required shall add to the particulars to be entered in relation to such sale the words "cannot write"), and, where a witness is hereby required to the sale, such entries shall also be signed by such witness, who shall add his place of abode.

On every sale of poison particulars of sale to be entered in a book by the seller, in form set forth in Schedule C to the Regulation.

13. No person shall sell any of the poisons specified in Schedule A to any person who is unknown to the person selling such poison, unless the sale be made in the presence of a witness who is known to the person selling the poison, and to whom the purchaser is known, and who signs his name, together with his place of abode, to such entries before the delivery of the poison to the purchaser.

Restrictions as to sale of poisons.

14. When the purchaser of any of the poisons specified in Schedule A is absent at the time of sale, it shall be lawful for the holder of a special license under this Regulation to sell and deliver any of the said poisons in pursuance of the written order of a purchaser, provided such order is received by the special licensee in the ordinary course of business and is signed by the purchaser, and provided that the handwriting of the purchaser who signs such order is known to the special licensee, and upon every sale under this section the special licensee

Sale of poisons by special license to absent purchasers.

shall forthwith enter or cause to be entered, in a book to be kept by him for the purpose, a statement of such sale, with the name of the poison and quantity thereof so sold and the date of sale, and the name and address of the purchaser in pursuance of whose written order the sale is made, and such entries shall in every case be signed by the person making the same.

Poison not to be sold to person below the age of eighteen years.

15. No person shall sell poison to any one who, the seller in good faith believes, is below the age of eighteen years.

Provision for coloring arsenic.

16. No person shall sell any white arsenic in a ground or pounded state unless the same be, before the sale thereof, mixed with soot, indigo or Prussian blue, in the proportion of one ounce of soot or half an ounce of indigo or Prussian blue, at the least, to one pound of the arsenic, and so in proportion for any greater or less quantity; Provided always, that where such arsenic is stated by the purchaser to be required, not for use in agriculture, but for some other purpose, for which such admixture would according to the representation of the purchaser, render it unfit, such arsenic may be sold without such admixture in a quantity of not less than two pounds at any one time.

Penalty for certain offences against the Regulation.

17. If any person shall sell any of the poisons specified in Schedule A in contravention of any of the provisions of Sections 12, 13, 14, 15 or 16 of this Regulation, or if any person purchasing any poison shall give false information to the person selling the same in relation to any of the particulars which such last mentioned person is authorized to enquire into of such purchaser, or if any person shall sign his name as a witness to a sale of poison to a person unknown to the person so signing as witness, every person so offending shall, for every such offence, upon conviction for the same before a Magistrate, be liable to a penalty not exceeding two hundred rupees, and where the person so convicted shall hold a license under this Regulation, he shall also be liable, by order of the Magistrate, to the forfeiture of his license for the current year.

Regulation not to prevent sale of poisons in medicine under a medical prescription, or wholesale dealing in poisons.

18. Provided that nothing contained in Sections 12, 13, 14, 15 or 16 of this Regulation shall be construed to apply to the sale of any poison when the same is required as medicine according to the written order or prescription of any person who shall be a Graduate of Medicine in any University, or who shall have obtained the diploma of any public medical examining body, or who holds or has at any time held the appointment of Apothecary under the British Government or the Government of Mysore, or upon the personal application of a person known to the seller to be in good repute and practising medicine, nor to apply to the sale of any poison when the same forms the whole or part of the ingredients of any medicine required to be made up or compounded according to the prescription or upon the personal application of any of the persons in this section above specified, nor to apply to the sale of poisons by wholesale to retail dealers upon orders in writing in the ordinary course of wholesale dealing.

Levy of fines.

Order for detention on issue of distress warrant.

19. All fines and penalties imposed by a Magistrate under the authority of this Regulation may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate. When a warrant of distress is issued, the Magistrate may order the offender to be detained and kept in safe custody until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day being not more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Magistrate, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Magistrate whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued and upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Magistrate, he shall, by warrant, commit the offender to gaol, there to suffer simple imprisonment for any term not exceeding two months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four months where the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount of the fine or penalty.

When Magistrate may refrain from issuing distress warrant.

Commitment to Jail.

Extent of the Regulation.

Power to declare, in extending Regulation, by whom duties to be performed, &c.

20. This Regulation shall not come into operation in any place in the Territories of Mysore, until it shall be extended thereto by an order of the Government of Mysore to be notified in the official Gazette; and it shall be lawful for the Government of Mysore, in so extending this Regulation, to declare by whom the duties assigned by this Regulation to the Deputy Commissioner shall be performed, and by whom fines and penalties under this Regulation shall be inflicted in the place to which the Regulation shall be so extended, and to direct the manner in which the proceeds of the fees, fines and penalties levied under this Regulation in such place shall be appropriated and expended, and further by any subsequent order, to suspend, alter or

revoke any order passed under this section, provided such suspension, alteration or revocation is made before this Regulation has, by virtue of any prior order, come in force in such place.

Commencement of the Regulation.

21. This Regulation shall commence and take effect on and after the expiration of two months next after the date of the publication by the Government of Mysore, of the assent thereto of the Governor-General, and of such publication, when it takes place, all Courts and Magistrates shall take judicial notice.

SCHEDULE A.

(REFERRED TO IN SECTION 2.)

Vegetable Poisons.

Name of Poison.	*Native Name.*
Aconite	Butchuag.
Cocculus Indicus	Kakmari, Kakphul.
Datura	Dhatoora.
Henbane	Khorasanee, Ajwan.
Nux Vomica	Koochila and Kajra.
Saint Ignatuis Bean	Papeeta.
Calabar Bean	..

Mineral Poisons.

Name of Poison.	*Native Name.*
White Arsenic	Phutkya Somul.
Red Arsenic (Realgar)	Munseel.
Yellow Arsenic (Orpiment)	Hurtal.
Scheels green (Arsenite of copper)	Hirwa.
Schweinfurth green (Aceto Arsenite of copper)	Hirwa.
Corrosive Sublimate	Ruskapur.

SCHEDULE B.

(REFERRED TO IN SECTION 3.)

Form of ordinary (*or* special, *as the case may be*) license for the sale of poisonous substances (*to be in English or Kanarese*).

I, A. B. hereby grant an ordinary (*or* special, *as the case may be*) license to C. D. (*name of person or Company*) to sell within the District of_____in the Territories of Mysore from the date hereof to the 30th June next, the poisonous substances specified in Mysore Regulation No. of 1895. The said C. D. will conform to the Rules contained in the said Regulation; on failure whereof, this license shall be liable to be forfeited.

OFFICE. (Signed) A. B., *Dy. Comr.*

SCHEDULE C.

(REFERRED TO IN SECTION 12.)

Form of entry of sale of poison (*to be in English or Kanarese*).

Date of sale.	Name and surname of purchaser.	Purchaser's place of abode.	Condition or occupation.	Poison sold.	Quantity sold.	Purpose for which required or stated to be required.

Purchaser's signature or, if purchaser cannot write, his mark to be put for him, and the words "cannot write" added.

Witness' signature and place of abode.

Seller's signature.

List of known Poisons and other Deleterious Substances sold by vendors of drugs and other such like articles. Those marked with an asterisk are the most powerful poisons, and are extensively used. The Kanarese names are given so far as are known.

Acid Carbolic pure.		Laurocerasifolia.	
Acid Chromic.		Laurocerasi Aqua.	
Acid Chrysophanic.		Lactuca.	
Acid Fluoric and its preparations.		Lead and its various preparations.	
Acid Hydrochloric pure.	ಲವಣದ್ರಾವಕ.	Lobelia.	
Acid Hydrocyanic "Schulo".		Mercury and its salts and preparations corrosive sublimate.	ಪಾದರಸ, ಸುವ್ವೀರ, ರಸ ಕರ್ಪೂರ, ಇರಿಖೀಕ, ಸುವೀರ.
Acid Hydrocyanic Dil.		Morphice and its preparations.	
Acid Nitric pure.	ಪಟ್ಟು ಪ್ರದ್ರಾವಕ.	* Opium and its preparations.	ಅಫೀಂ.
* Acid Oxalic.		Phosphorus and its preparations.	
Acid Picric and its preparations.		Saennse Coicumina.	
Acid Phosphoric Dil.		* Strychnos Nux Vomica and its preparations.	ಮುಷ್ಟಿಬೀಜ.
Acid Pyrogallic.		Strychnos Calubrina.	
Acid Sulphuric pure.	ಗಂಧಕದ್ರಾವಕ.	Strychnine and its preparations.	ಮುಷ್ಟಿ ಬೀಜದ ಸತ್ವ.
* Aconite and its preparations.	ಮಸನಾಭಿ, ಅತಿವಿಷ.	Tabaci folio.	
Alcohol.		Viratri Vuridis.	
* Almond Bitter.		Zinc and its preparations.	
Amyal Nitrite.		Abrus Precatorius.	
Aniline.		* Aconitum Hetcrophyllum.	ಅತಿವಿಷ.
Aniline dyes.		Anacardium Oxidentali.	
Antimony and its preparations as—		Anacardium Somicarpus.	
Antimony Tartaratum.		Argemone Mexicana.	
Antimony Nigrum.		Arum Montamun.	
Antimony Oxidum.		Arum Lyratum.	
Antimony Sulphuretum.		Arum Sybriaticum.	
Apomorphine.		Calotropis Procera.	
Arsenic white pure and its different forms and its combination with other salts, as—	ಕಂಬುಪಾಷಾಣ.	Cerbera Thevetia.	
Arsenium Tersulphuretum.		Cetrullus Amarus.	
Arsenium Bisulphuretum.		Coculus Indicus.	ಕಾಕಮಾರಬೀಜ.
Arsemum-Yellow Sulphurit Orpiment.	ಅರಿಸಿ.	Cryptostigia Grandiflora.	
Argentum Nitras.		Cucumis Sativus.	
Atropia and its preparations.		Cucumis Trigomus.	
Barium Salts.		Cuscuta Reflexa.	
Belladonna and its preparations.		Daphnae pappyracea.	
Benzal and its preparations.		Ephorbia Nerufolis.	
Calabar bean and its preparations.		Ephorbia Antiquorum.	
Cantharidis.	ಭಂಗಿ.	Ephorbia Cattimandoo.	
Chloral Hydras and its preparations.		Ephorbia Tirucalli.	
Chloroform and its preparations.		Gloriosa Superba.	
Cocine Hydrochloras.		Ipomoea Turpethum.	
Colchicum and its preparations.		Jatropha Curcas.	
Copper and its salts.		Jatropha Multifida.	
Coniuns and its preparations.		Jatropha Glandulifera.	
Croton Chloral.		Lasiosiphon Specioses.	
Croton Tiglinne (seeds)	ಜಾಪಾಳದ ಬೀಜ.	Laginaria Vulgaria.	
Croton Tiglinne Oil.		Libidicopais Orbicularis.	
Cyanides and its salts.		Laffa Acutangula.	
Datura Alba.	ಬಿಳೀ ಪುಮ್ಮತ್ತಿ.	Laffa Echinata.	
Datura Nigra.	ಕರೀ ಪುಮ್ಮತ್ತಿ.	Momordica Cymbalaria.	
Digitalis and its preparations.		Momordica Charantia.	
Elaterium.		Nerium Odorum.	ಕಣಗಲು.
Emetine		Plumbago Zelanica.	ಚಿತ್ರಮೂಲ.
Ergot and its preparations.		Plumbago Rosia.	
Eserine.		Plumicria Acutifolia.	
Ether.		Randia Dumitorum.	
Gamboge.		Rhus Acuminata.	
Gelsemium Nitidum.		Ruta Angusti-folio.	
Hyoscyamus and its prepara-		Sapindus Emerginatus.	
		Terminalia Bellerica.	
		Frianthema Monogyna.	
		Frianthema Pentandra.	
		Tylophora Cerulba.	
		Thevetia Nerifolis.	
		Trichosanthus Dioica.	